



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## Planning and Community Development Department

### **AGENDA ITEM:**

Case No: Variance 18-08  
Proposal: Request for variance from required parking spaces and on-site location  
Applicant: Timothy W. Riley  
Owner: Timothy W. Riley  
Location: 409 Halibut Point Road  
Legal: Lot 19, Block 24, Tract A, Tower Heights, US Survey 1474  
Zone: R-2  
Size: Approx. 7,427 square feet  
Parcel ID: 13480000  
Existing Use: Residential  
Adjacent Use: Residential/Commercial/Recreational  
Utilities: Existing  
Access: Halibut Point Road

### **KEY POINTS AND CONCERNS:**

- Code requires 4 parking spaces for a duplex (2 per unit)
- Code requires all parking spaces for residential family use to be provided on-site, not off-site
- Property is located next to a very busy section of Halibut Point Road
- Parking arrangement in regards to traffic ingress and egress is not ideal and could create negative safety impacts to vehicles and pedestrians
- Property is already subject to other variances
- Property has topography and was subdivided in a manner that makes development of parking and any structure difficult

**RECOMMENDATION:** Approve the parking variance subject to the condition that either an easement, permit, or license to use the neighboring property's area for parking and or egress/ingress so long as the variance shall be needed and the use of the property as a short-term rental or any other conditional use continues.

## **ATTACHMENTS**

Attachment A: Applicant Attachments

Attachment B: Staff Attachments

## **BACKGROUND/PROJECT DESCRIPTION**

The applicant is requesting a variance from parking standards in regards to number and location (4 required on site, 1 provided on site and 1 provided off-site). And has an existing variance for the deck to be setback 8 feet from front property line (V 96-9). There is another variance 88-13, but that is unclear what the details of that are.

Applicant is also proposing converting one of the units of a long standing, existing duplex, with one on-site parking space and one off-site parking space, to a short-term rental (STR). Currently, the duplex is utilized to house family on one side and has been rented as a long-term rental (LTR) on the other side. The lot and parking are substandard compared to existing code. However, this property was developed long before existing code and it is not certain what code requirements were in place at the time of development.

## **ANALYSIS**

**Project / Site: (see above and below)**

**Zone: R-2:** Intent. The R-2 [residential](#) district is intended to include lands suited by topography and other natural conditions for urban development and which are provided with the full range of public utilities, including sewers, water, electricity, and storm drains or are intended to be provided with such utilities in the near future. This district is intended primarily for single-family and multiple-family residences at moderately high population [densities](#). [Structures](#) required to serve governmental, educational, recreational, religious and limited professional [office](#) needs are allowed subject to permitted or [conditional use](#) restrictions intended to preserve and protect the [residential](#) character of the R-2 district.

Here, the infrastructure was not developed to serve the duplex and the subdivision of this lot, was not well suited by its topography to do so.

**Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:** This variance request is to support and STR request. While STR tend to have lower vehicle demands, especially near central downtown, staff suggest conditions of approval that would mitigate traffic demands through required rental contract terms that do not allow car rentals or renters to have motor vehicles. Instead the owner could provide bike racks, bicycles, taxi or shuttle service, or other arrangement to negate additional motor vehicle use on-site. That aside the variance specifically would create substandard off-site parking, substandard number of parking spots, and the ingress and egress of vehicles is poor and could create impacts to vehicular and pedestrian safety.

**Location along a major or collector street:** Access from Halibut Point Road.

**g. Effects on vehicular and pedestrian safety:** Due to limited parking on-site, orientation of on-site and off-site parking arrangements and access (including the back-up egress), and vicinity of sidewalk and high-traffic area, there is a distinct potential for negative impacts of vehicles to vehicular and pedestrian safety.

**h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** Location is very close to police and fire (less than 800 feet) and hospitals within a half-mile and mile.

**i. Logic of the internal traffic layout:** 4 spaces are required on site. 1 is provided on site in compliance with code, though it may create back-out problems. 1 is provided off-site, but it may create back-out problems. And 2 required spaces are not provided. As conditioned, parking and/or parking ingress and egress, would mitigate impacts to adjacent properties and pedestrians and vehicles.

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** Topography and vegetation provide a decent buffer.

**l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:** Comp Plan 2030 identifies this area as a key area to develop light commercial uses that are best located centrally to downtown. This corridor is a mix of residential and light commercial/professional office.

**Habitat:** No known wetlands on the property.

**Property Value or Neighborhood Harmony:** Variances are a deviation from code, and result in an inconsistency between this property and nearby properties. The variance would support the STR request, which has both positive and negative impacts economic impacts. The condition to secure parking and/or parking egress/ingress will mitigate any negative impacts to adjacent properties and vehicles and pedestrians.

**Recommended Motions:** (two motions - read and voted upon separately)

- 1) I move to approve the variance request for a parking variance at 409 Halibut Point Road in the R-2 multifamily residential district, subject to the attached condition of approval. The property is also known as Lot 19 Tower Heights Subdivision. The request is filed by Tim Riley. The owner of record is Timothy Riley.
  - a. Conditions of approval:
    - i. That either an easement, permit, or license to use for parking and/or parking egress and ingress be granted by the adjacent property commonly known as 409 Halibut Point Road (Parcel ID 13475000). This license, easement, or permit, shall continue as long as the variance is needed or the property is used as a conditional use (short-term rental or other conditional use). Should the ability to use the adjacent property for such parking or

parking egress/ingress be extinguished, the variance shall be come void and any conditional use shall become void.

- ii. Special care shall be taken in ingress and egress across the Halibut Point Road right of way so as to minimize any impacts to vehicles and pedestrians.

2) I move to adopt and approve the required findings pursuant to Sitka General Code 22.30.160.D. Before any variance is granted, it shall be shown:

D. Required Findings for [Variances](#).

1. Required Findings for [Variances](#) Involving Major [Structures](#) or Expansions. Before any [variance](#) is granted, it shall be shown:

- a. That there are special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, the topography of the [lot](#), the size or dimensions of the parcels, the orientation or placement of existing [structures](#), or other circumstances that are outside the control of the property owner; in this case that the unique location, existing structures, lot design of the subdivision, and topography and rock wall make practical development of required parking on-site very difficult and impractical; and that further, this development predates the current development standards.
- b. The [variance](#) is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied to this parcel; such uses may include the placement of [garages](#) or the expansion of [structures](#) that are commonly constructed on other parcels in the vicinity; in this case that parking options are constrained.
- c. That the granting of such a [variance](#) will not be materially detrimental to the public welfare or injurious to the property, nearby parcels or public infrastructure; in this case that the conditions of approval to guarantee parking and/or parking egress/ingress will mitigate any potential impact to adjacent properties, vehicles, and pedestrians as well as provide the necessary parking.
- d. That the granting of such a [variance](#) will not adversely affect the [comprehensive plan](#); in this case that the conditions of approval will mitigate impact, while the variance will allow the owner to develop their property which will have positive economic impacts in job creation and supporting tourism and transient markets. Some impact to long-term rentals and affordable housing may occur, but that is balanced against other positive gains.